

AMENDED IN ASSEMBLY MAY 2, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3434

Introduced by Assembly Member House

February 23, 1996

~~An act to amend Section 1797.187 of the Health and Safety Code, relating to peace officers. An act to add Section 3306.5 to the Government Code, relating to public safety officers.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 3434, as amended, House. ~~Health care: peace officers~~
Public safety officers: personnel files.

The Public Safety Officers Procedural Bill of Rights Act contains provisions regarding the rights and protections afforded specified public safety officers with respect to investigation and interrogation of public safety officers.

This bill would require that, once an investigation of a complaint against a public safety officer has been determined by the appropriate authorities to be unfounded, the complaint and any other related documentation be removed from the personnel file of the public safety officer against whom the complaint was made. It would also provide that this requirement shall be included in every record destruction schedule adopted by any public safety department. The imposition of these new requirements on local agencies would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated

by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law requires the state and local agencies employing certain peace officers to notify any one of these peace officers who is exposed to a known carcinogen under specified circumstances.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 1797.187 of the Health and~~
- 2 *SECTION 1. Section 3306.5 is added to the*
- 3 *Government Code, to read:*
- 4 *3306.5. Once an investigation of a complaint against*
- 5 *a public safety officer has been determined by the*
- 6 *appropriate authorities to be unfounded, that complaint*
- 7 *and any other related documentation shall be removed*
- 8 *from the personnel file of the public safety officer against*
- 9 *whom the complaint was made. This requirement shall*
- 10 *be included in every record destruction schedule*
- 11 *adopted by any public safety department.*
- 12 *SEC. 2. Notwithstanding Section 17610 of the*
- 13 *Government Code, if the Commission on State Mandates*
- 14 *determines that this act contains costs mandated by the*
- 15 *state, reimbursement to local agencies and school*
- 16 *districts for those costs shall be made pursuant to Part 7*
- 17 *(commencing with Section 17500) of Division 4 of Title*
- 18 *2 of the Government Code. If the statewide cost of the*
- 19 *claim for reimbursement does not exceed one million*

1 dollars (\$1,000,000), reimbursement shall be made from
2 the State Mandates Claims Fund.

3 Notwithstanding Section 17580 of the Government
4 Code, unless otherwise specified, the provisions of this act
5 shall become operative on the same date that the act
6 takes effect pursuant to the California Constitution.

7 ~~Safety Code is amended to read:~~

8 ~~1797.187. A peace officer as described in Section 830.1,~~
9 ~~subdivision (a) or (b) of Section 830.2, or subdivision (g)~~
10 ~~of Section 830.3 of the Penal Code, while in the service of~~
11 ~~the agency or local agency that employs him or her, shall~~
12 ~~be notified by the agency or local agency if the peace~~
13 ~~officer is exposed to a known carcinogen, as defined by~~
14 ~~the International Agency for Research on Cancer, or as~~
15 ~~defined by its director, during the investigation of any~~
16 ~~place where any controlled substance, as defined in~~
17 ~~Section 11007, is suspected of being manufactured, stored,~~
18 ~~transferred, or sold, or any toxic waste spills, accidents,~~
19 ~~leaks, explosions, or fires.~~

20 ~~The Commission on Peace Officers Standards and~~
21 ~~Training basic training course, and other training courses~~
22 ~~as the commission determines appropriate, shall include,~~
23 ~~on or before January 1, 1990, instruction on, but not~~
24 ~~limited to, the identification and handling of possible~~
25 ~~carcinogenic materials and the potential health hazards~~
26 ~~associated with these materials, protective equipment,~~
27 ~~and clothing available to minimize contamination,~~
28 ~~handling, and disposing of materials and measures and~~
29 ~~procedures that can be adopted to minimize exposure to~~
30 ~~possible hazardous materials.~~